



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,197	10/01/2003	Timothy A. Timmins	41698.1104	7119

7590

07/27/2005

ALEX L. YIP
KAYE SCHOLER LLP
425 PARK AVENUE
NEW YORK, NY 10022

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,197

Applicant(s)

TIMMINS, TIMOTHY A.

Examiner

Md S. Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3, 5, 6, 10-13, 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent No. 5,646,982) in view of Hatano et al. (U.S. Patent No. 6,807,571).

Regarding claim 1, Hogan teaches storing in the repository the desired information (fig.10, 11; col.13, lines 18-25, col.14, lines 20-40). [The voice response unit 334 prompts the user 106A for message delivery information and stores the information as being entered by user 106A]

Hogan further teaches the desired information being associated with data identifying the user (col.14, lines 20-40). [The delivery information includes recipient name and phone number as show in Table 1]

Hogan further teaches conveying the identifying data to the one or more parties (col.14, lines 20-40, col.17, lines 31-45).

Hogan further teaches allowing access by the one or more parties to the desired information in the repository based on the identifying data (fig.18; col.14, lines 20-40, col.17, lines 31-45). [The voice response unit 334 delivers message to recipient based on the delivery information and thus allows recipient to access desired message]

However, Hogan does not specifically teach “the desired information from the information source” and “the information source being directed to send the desired information to the system via a communications network”. Hatano teaches the desired information from the information source [server] and the information server being directed to send the desired information to the system via a communications network (fig.1, 7; col.1, lines 40-55, col.2, lines 35-42, 448-52, col.3, lines 48-54, col.4, lines 23-57). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan to allow the desired information from the information source as well as the information source being directed to send the desired information to the system via a communications network as taught by Hatano. The motivation for the modification is to have doing so in order to deliver desired message obtained from internet by caller to the called party.

Art Unit: 2645

Regarding claims 2 and 12, Hogan teaches that the repository is accessed through a voice response unit 334 [i.e., information assistance service] (fig.10, 11; col.13, lines 18-25, col.14, lines 20-40).

Regarding claims 3 and 13, Hogan teaches that the repository is accessed via a telephone (fig.7, 10; col.9, lines 66, 67, col.10, lines 10-18, col.13, lines 18-25, col.14, lines 8-14, 20-40).

Regarding claims 5 and 15, Hogan does not specifically teach "the information source is accessible via the Internet". Hatano teaches that the information source is accessible via the Internet (fig.1, 7; col.1, lines 40-55, col.2, lines 35-42, 448-52, col.3, lines 48-54, col.4, lines 23-57). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan to allow the information source being accessible via the Internet as taught by Hatano. The motivation for the modification is to have doing so in order to use internet access to retrieve desired message by a caller at a lower cost.

Regarding claims 6 and 16, Hogan does not specifically teach "the information source is accessible via a telephone". Hatano teaches that the information source is accessible via a mobile terminal [i.e., telephone] (fig.1, 7; col.2, lines 35-42, 448-52, col.3, lines 48-54, col.4, lines 23-57). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan to allow the information source being accessible via a telephone as taught by Hatano. The motivation for the modification is to have doing so in order to use mobile telephone to retrieve desired message by a caller without using any computer.

Regarding claim 7, Hogan teaches storing in the repository the desired information (fig.10, 11; col.13, lines 18-25, col.14, lines 20-40).

Regarding claims 10 and 20, Hogan teaches that the system uses the identifying data to recognize the one or more parties when accessing the information in the repository (col.14, lines 20-40).

Regarding claim 11 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Hogan teaches maintaining at the information depot data identifying a user (col.13, lines 18-25, col.14, lines 20-40).

Hogan further teaches releasing the information to selected recipients based on instructions from the user that include the identifying data (col.13, lines 18-25, col.14, lines 20-40).

4. Claims 4, 7, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent No. 5,646,982) in view of Hatano et al. (U.S. Patent No. 6,807,571) further in view of Hartselle et al. (U.S. Patent No. 6,888,930).

Regarding claims 4 and 14, Hogan in view of Hatano fails to teach “the repository is accessible via the Internet”. Hartselle teaches that the repository is accessible via the Internet (col.10, lines 3-7). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Hatano to allow the repository being accessible via the Internet as taught by Hartselle. The motivation for the modification is to provide the caller an option to retrieve information using internet.

Regarding claim 7, Hogan in view of Hatano fails to teach “allowing the user to access the desired information in the repository”. Hartselle teaches allowing the user to access the desired information in the repository (col.10, lines 3-7). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Hatano

Art Unit: 2645

to allow the user to access the desired information in the repository as taught by Hartselle. The motivation for the modification is to provide the caller an option to retrieve information using internet.

Regarding claim 17, Hogan in view of Hatano fails to teach “using the identifying data to recognize the user when the user accesses the information at the repository”. Hartselle teaches using the identifying data to recognize the user when the user accesses the information at the repository (col.12, lines 25-31). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Hatano to use the identifying data to recognize the user when the user accesses the information at the repository as taught by Hartselle. The motivation for the modification is to provide security for the caller to retrieve information so that unknown person can't retrieve the information.

5. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent No. 5,646,982) in view of Hatano et al. (U.S. Patent No. 6,807,571) further in view of Lambiase (U.S. Patent No. 6,618,477).

Regarding claims 8 and 18, Hogan in view of Hatano fails to teach “the user is recognized by the system using an automatic number identification (ANI)”. Lambiase teaches that the user is recognized by the system using an automatic number identification (ANI) (col.5, line 67-col.6, line 4). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Hatano to allow the user being recognized by the system using an automatic number identification (ANI) as taught by Lambiase. The motivation for the modification is to locate the record of a user.

Art Unit: 2645

6. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent No. 5,646,982) in view of Hatano et al. (U.S. Patent No. 6,807,571) further in view of May (U.S. Patent No. 6,292,480).

Regarding claims 9 and 19, Hogan in view of Hatano fails to teach “the user is recognized by the system using the user's voiceprint”. May teaches that the USER1 [i.e., user] is recognized by the system using the user's voiceprint (col.6, lines 33, 34). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Hatano to allow the user being recognized by the system using the user's voiceprint as taught by May. The motivation for the modification is to identify caller using his speech.

7. Claims 21-23, 25, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent No. 5,646,982) in view of Handel et al. (U.S. Pub. No. 2002/0035501).

Regarding claim 21 is rejected for the same reasons as discussed above with respect to claims 1 and 11. Furthermore, Hogan does not specifically teach “a gateway for maintaining data identifying a user”. Handel teaches a profile gateway server [i.e., gateway] for maintaining data identifying a user (fig.17; page 23, paragraph 0179). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan to allow a gateway for maintaining data identifying a user as taught by Handel. The motivation for the modification is to have doing so in order to provide service to the profile owner.

Hogan does not specifically teach “an interface for receiving information from an information source”. Handel teaches an interface for receiving information from an information source (fig.17; page 23, paragraph 0179). Thus, it would have been obvious to one of ordinary

Art Unit: 2645

skill in the art at the time the invention was made to modify Hogan to allow an interface for receiving information from an information source as taught by Handel. The motivation for the modification is to have doing so in order to deliver desired information obtained from server to the user.

Regarding claims 22, 23, 25, 26 and 30 are rejected for the same reasons as discussed above with respect to claims 2, 3, 5, 6 and 10.

8. Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent No. 5,646,982) in view of Handel et al. (U.S. Pub. No. 2002/0035501) further in view of Hartselle et al. (U.S. Patent No. 6,888,930).

Regarding claim 24, Hogan in view of Handel fails to teach "the repository is accessible via the Internet". Hartselle teaches that the repository is accessible via the Internet (col.10, lines 3-7). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Handel to allow the repository being accessible via the Internet as taught by Hartselle. The motivation for the modification is to provide the caller an option to retrieve information using internet.

Regarding claim 27, Hogan in view of Handel fails to teach "allowing the user to access the desired information in the repository". Hartselle teaches allowing the user to access the desired information in the repository (col.10, lines 3-7). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Handel to allow the user to access the desired information in the repository as taught by Hartselle. The motivation for the modification is to provide the caller an option to retrieve information using internet.

Art Unit: 2645

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent No. 5,646,982) in view of Handel et al. (U.S. Pub. No. 2002/0035501) further in view of Lambiase (U.S. Patent No. 6,618,477).

Regarding claim 28, Hogan in view of Handel fails to teach “the user is recognized by the system using an automatic number identification (ANI)”. Lambiase teaches that the user is recognized by the system using an automatic number identification (ANI) (col.5, line 67-col.6, line 4). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Handel to allow the user being recognized by the system using an automatic number identification (ANI) as taught by Lambiase. The motivation for the modification is to locate the record of a user.

10. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent No. 5,646,982) in view of Handel et al. (U.S. Pub. No. 2002/0035501) further in view of May (U.S. Patent No. 6,292,480).

Regarding claim 29, Hogan in view of Handel fails to teach “the user is recognized by the system using the user's voiceprint”. May teaches that the USER1 [i.e., user] is recognized by the system using the user's voiceprint (col.6, lines 33, 34). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hogan in view of Handel to allow the user being recognized by the system using the user's voiceprint as taught by May. The motivation for the modification is to identify caller using his speech.

Art Unit: 2645

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matthews et al. (U.S. Patent No. 4,371,752) teach Electronic audio communication system.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE
July 25, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600